

PRIVILEGED AND CONFIDENTIAL  
ATTORNEY'S WORK PRODUCT  
DRAFT - August 17, 1994

CARELESS SMOKING FIRE PREVENTION ACT OF 1994

To provide for consideration of a consumer product safety standard to reduce the ignition propensity of cigarettes, to advance public fire safety and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

1. Notwithstanding the provisions of Section 2052(a)(1)(B) of this chapter, the Consumer Product Safety Commission shall have authority to promulgate a consumer product safety standard for cigarettes as defined in 15 U.S.C. Section 1332(1)(4) in accordance with this Act and the provisions of this chapter, provided that any such standard shall be promulgated for the sole purpose of reducing the incidence of cigarette-ignited, accidental upholstered furniture and mattress fires.
2. Any consumer product safety standard promulgated in accordance with this Act shall have all the authority and effect of, and shall be subject to judicial review to the same extent as, any other consumer product safety standard promulgated by the Commission under this chapter, except that Sections 2057, 2061 and 2067(b) of this chapter shall not apply to cigarettes or to any consumer product safety standard for cigarettes.
3. The Commission shall not promulgate a consumer product safety standard for cigarettes unless such standard is promulgated in accordance with the provisions of Section 2058 of this chapter and, unless such standard is adopted as a voluntary standard under Section 2056(b) or Section 2058(a) and (b) of this chapter, the Commission considers and makes appropriate findings with respect to—
  - (a) whether any test method considered for incorporation in a consumer product safety standard for cigarettes provides reliable, consistent and predictive measures of cigarette ignition propensity in the real world conditions in which cigarette-ignited accidental fires may occur, taking into account the range of materials and environmental conditions present in potential fire settings;
  - (b) whether incremental adverse health effects may result if the physical properties of cigarettes were modified in order to satisfy a

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consumer product safety standard for cigarettes and, if so, the potential magnitude of those effects, taking into account the best available data that can be generated by state of the art toxicology and risk assessment procedures;

(c) the fire safety benefits that reasonably could be anticipated as a result of implementing a cigarette consumer product safety standard, including lives saved, injuries prevented and property loss avoided;

(d) the costs that reasonably could be anticipated as a result of implementing a cigarette consumer product safety standard, including the likely economic impact on manufacturers, consumers and others of such a standard and any potential incremental adverse health effects identified under subsection (b);

(e) whether any alternatives to a cigarette consumer product safety standard may be implemented that reasonably could be anticipated to reduce the incidence of cigarette-ignited accidental fires at a more favorable relationship of benefits to costs than a cigarette consumer product safety standard; and

(f) finds that, taking into account each of the considerations identified in subparagraphs (a) - (e) and any other considerations determined by the Commission to be relevant, a high degree of assurance exists that cigarettes that meet any consumer product safety standard promulgated pursuant to this Act will not have incremental adverse health effects or other costs that outweigh the potential benefits of such a standard and that any such standard imposes the least burdensome requirement that reduces the risk of cigarette-ignited accidental fires.

4. In conducting the analyses described in Section 3, the Consumer Product Safety Commission may request the head of any Federal department or agency to detail any of the personnel of that department or agency to assist the Commission in carrying out its responsibilities, and may retain and contract with such consultants as it deems necessary. The Consumer Product Safety Commission also shall solicit and consider input from entities in the private sector, including cigarette manufacturers as well as fabric, upholstered furniture and mattress manufacturers.

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